came to the apartment

# SUMMARY REPORT OF INVESTIGATION<sup>1</sup>

## I. EXECUTIVE SUMMARY

Date of Incident:	June 25, 2012
Time of Incident:	12:00 pm
Location of Incident:	
Date of COPA Notification:	June 25, 2012
Time of COPA Notification:	3:48 pm
On June 25, 2012, Chicago P	olice Officers were on routine patrol in a violence reduction zone Officers observed a group of young men
	on zone and exited their vehicles to speak with the group. The
	ay from the officers. Officers pursued ("""), one
of the individuals who ran away, thre	*
	(hereinafter or ),
(hereinafter ). Three individuals,	
inside the apartment prior to	ntering. Police officers pursued and forced open the door to

soon after and later called for a supervisor to initiate a complaint against the police officers who entered

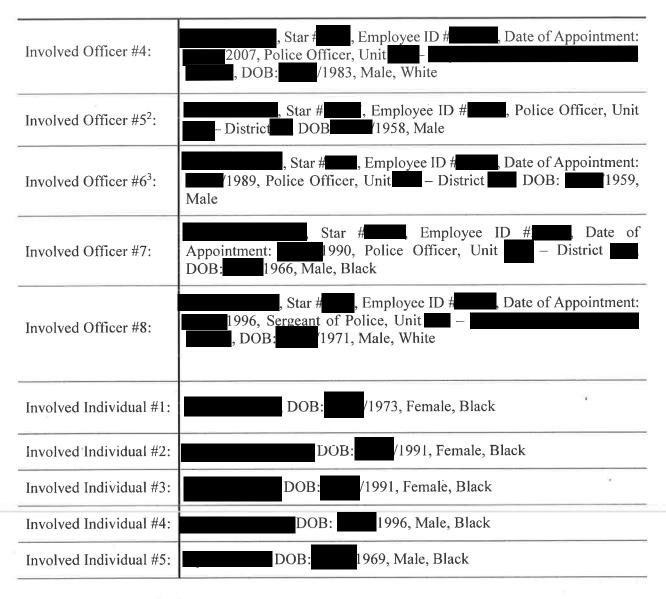
## II. INVOLVED PARTIES

her apartment.

the apartment. Officers entered the apartment and arrested

Involved Officer #1:	Appointment:/2002, Police Officer as Detective, Unit
Involved Officer #2:	Star # , Employee ID # , Date of Appointment: //2004, Police Officer / Field Training Officer, Unit – District , DOB: //1980, Male, Hispanic
Involved Officer #3:	Appointment: Appoi

<sup>&</sup>lt;sup>1</sup> On September 15, 2017, the Civilian Office of Police Accountability (COPA) replaced the Independent Police Review Authority (IPRA) as the civilian oversight agency of the Chicago Police Department. Therefore, this investigation, which began under IPRA, was transferred to COPA on September 15, 2017, and the recommendation(s) set forth herein are the recommendation(s) of COPA.



## III. ALLEGATIONS

Officer	Allegation	Finding
	1. It is alleged that on June 25, 2012, at approximately 12:00 PM at Apt. No.  Officer forced open the front door to apartment in	Not Sustained

<sup>&</sup>lt;sup>2</sup> Police Officer retired from the Chicago Police Department and is no longer an active member of the Department.

<sup>&</sup>lt;sup>3</sup> Police Officer retired from the Chicago Police Department and is no longer an active member of the Department.

	violation of Rule 1, Rule 2, and Rule 8 of the Chicago Police Department Rules of Conduct.	
N H	2. It is alleged that on June 25, 2012, at approximately 12:00 PM at  Apt. No.  Officer entered apartment without a warrant and/or permission in violation of Rule 1, Rule 2, and Rule 8 of the Chicago Police Department Rules of Conduct. of the Chicago Police Department Rules of Conduct.	Not Sustained
	3. It is alleged that on June 25, 2012, at approximately 12:00 PM at  Apt. No.  Officer pointed a gun at and in violation of Rule 1, Rule 2, Rule 8, Rule 9, and Rule 38 of the Chicago Police Department Rules of Conduct.	Not Sustained
ME .	4. It is alleged that on June 25, 2012, at approximately 12:00 PM at Apt. No.  Officer stated, "Fuck this" to in violation of Rule 1, Rule 2, Rule 8, and Rule 9 of the Chicago Police Department Rules of Conduct.	Not Sustained
	5. It is alleged that on June 25, 2012, at approximately 12:00 PM at  Apt. No.  Officer stated "Where the fuck is the gun? You all know the shit and Y'all gonna sit here and fucking lie" to in violation of Rule 1, Rule 2, Rule 8, and Rule 9 of the Chicago Police Department Rules of Conduct.	Not Sustained
	6. It is alleged that on June 25, 2012, at approximately 12:00 PM at Apt. No.  Officer threatened with other government action when he told them they were on Section 8 and he was going to get their asses put out on the street and get them	Not Sustained

	cut off Public Aid in violation of Rule 1, Rule 2, Rule 8, and Rule 9 of the Chicago Police Department Rules of Conduct.	
	7. It is alleged that on 25 June 2012 at approximately 12:00 PM at Apt. No.  Officer  wrote/generated a false Arrest report and Original Case Incident Report under RD  when he falsely documented the circumstances surrounding the arrest of in that he stated, R/O made it to the and observed offender (  enter the residence (apartment # ) in violation of Rule 2 and Rule 14 of the Chicago Police Department Rules of Conduct.	Not Sustained
·	8. It is alleged that on 05 September 2013 at approximately 12:11 PM at 1615 W. Chicago Ave., Chicago, IL, Officer made false statements during his interview with the Independent Police Review Authority (IPRA) in relation to the circumstances surrounding arrest on 25 June 2012 in that he stated he saw enter the floor apartment, # in violation of Rule 2 and Rule 14 of the Chicago Police Department Rules of Conduct.	Not Sustained
	9. It is alleged that on 05 September 2013 at approximately 12:11 PM at 1615 W. Chicago Ave., Chicago, IL, Officer made false statements during his interview with the IPRA in relation to the circumstances surrounding arrest on 25 June 2012 in that he stated words to the effect that he saw blood all over the door and it was smeared all over the place and it's all over the middle side of the door, hand marks and everything in violation of Rule 2 and Rule 14 of the Chicago Police Department Rules of Conduct.	Not Sustained
	10. It is alleged that on 05 September 2013 at approximately 12:11 PM at 1615 W. Chicago Ave., Chicago, IL, Officer made false statements during his interview with the	Not Sustained

e.	IPRA in relation to the circumstances surrounding arrest on 25 June 2012 in that he stated he and other officers did not conduct a search of the building for in violation of Rule 2 and Rule 14 of the Chicago Police Department Rules of Conduct.	4
	1. It is alleged that on June 25, 2012, at approximately 12:00 PM at  Apt. No.  Officer forced open the front door to apartment in violation of Rule 1, Rule 2, and Rule 8 of the Chicago Police Department Rules of Conduct.	Not Sustained
ş <b>i</b>	2. It is alleged that on June 25, 2012, at approximately 12:00 PM at Apt. No.  Officer entered apartment without a warrant and/or permission in violation of Rule 1, Rule 2, and Rule 8 of the Chicago Police Department Rules of Conduct.	Not Sustained
- a	3. It is alleged that on June 25, 2012, at approximately 12:00 PM at  Apt. No.  Officer pointed a gun at and in violation of Rule 1, Rule 2, Rule 8, Rule 9, and Rule 38 of the Chicago Police Department Rules of Conduct.	Not Sustained
	4. It is alleged that on 06 September 2013 at approximately 2:11 PM at 1615 W. Chicago Ave., Chicago, IL, Officer made false statements during his interview with IPRA in relation to the circumstances surrounding arrest on 25 June 2012 in that he stated he saw open the door to the apartment, # and enter the apartment, # in violation of Rule 2 and Rule 14 of the Chicago Police Department Rules of Conduct.	Not Sustained

5. It is alleged that on 06 September 2013 at approximately 2:11 PM at 1615 W. Chicago Ave., Chicago, IL, Officer made false statements during his interview with IPRA in relation to the circumstances surrounding arrest on 25 June 2012 in that he stated slammed the apartment door on you and other officers after entered the apartment in violation of Rule 2 and Rule 14 of the Chicago Police Department Rules of Conduct.

Not Sustained

#### IV. APPLICABLE RULES AND LAWS

#### Rules

- 1. Rule 1 Violation of any law or ordinance.
- 2. Rule 2 Any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department.
- 3. Rule 8 Disrespect to or maltreatment of any person, while on or off duty.
- 4. Rule 9 Engaging in any unjustified verbal or physical altercation with any person, while on or off duty.
- 5. Rule 14 Making a false report, written or oral.
- 6. Rule 38 Unlawful or unnecessary use or display of a weapon.

## **General Orders**

- 1. GO 01-01 Mission Statement and Core Values
- 2. GO 04-01 Preliminary Investigations

## V. INVESTIGATION<sup>4</sup>

#### A. Interviews

		(".	") gave	a digitally	recorded interview	to IPRA	on Jur	ne 29
2012.	In her statement,	stated	she was	present at		Apt.	on Jur	ne 25

<sup>&</sup>lt;sup>4</sup> COPA conducted a thorough and complete investigation. The following is a summary of the material evidence gathered and relied upon in our analysis.

also stated the complainant, stated that around 11:30 or 11:35 in the morning, she was with sister, and some asleep in a bedroom, and was in the backroom of the apartment watching television, when they heard someone knocking at the door. Stated they did not respond, and the knocking at the door became heavier, and someone started knocking hard at the back door. Stated walked out to see who was at the door but could not clearly see who was there. Stated that then called her mother and told her police officers were knocking at the door. She stated that mother, told her not to open the door and that she was on her way to the apartment. Stated she could hear "walkie talkies" through the door and knew the individuals at the doors were police officers. Stated after called her mother, she sat with in the bedroom and about two seconds later, she saw the front door come off the hinges, fall and hit the wall.
stated that officers then entered the apartment with their firearms "out on us" and they were told to get on the ground. It is stated the officers had their firearms out of their holsters for approximately two minutes. It is stated to started crying. It then stated she called mother, and told her that officers had just kicked the door down, to which to stay right there and that she was almost at the apartment. It is stated that officers then asked, "where's the other gun?" It is stated she and asked what gun the officers meant. It is stated one of the officers, Officer as then pulled a black gun with a brown handle from his vest and Officer as stated he just found that gun and he asked where the other gun was, and another officer, Officer asking where the other gun was, and he was using profanity. It is stated that the officers then grabbed and had not know what gun they were talking about. It is stated that the officers told asked where the other gun was, so he should know where the other gun was. It is stated that they saw him walking a dog, so he should know where the other gun was. It is stated that they saw him walking a dog, so he should know where the other gun was. It is stated that they saw him walking a dog, so he should know where the other gun was. It is stated that the just walked the dog and came back into the apartment.
stated that Officer then told them "since ya'll don't wanna talk and don't wanna tell us where the other gun at, we, I'm just gonna call, I'm gonna get y'all services cut off cuz I know y'all on public aid. I'm gonna get y'all kicked out on the street cuz y'all on Section 8."6 then stated that Officer told them to "shut the F up. Just shut the F up."7 stated that Officer told them to walk in the front room and that is when arrived, and the officers started talking to stated officers also kicked in the back-screen door. Stated that five or six officers came into the apartment. Stated that officers searched the bedroom she and were in and the room where was. Information and Officer told that if he had a background, he would charge with possession of the firearm. Stated officers went to their cars, ran information, then came back up and removed the handcuffs from stated officers then talked to stated neither she, nor were arrested.

<sup>&</sup>lt;sup>5</sup> Attachment 38, Pg. 7, Line 24 - 25,

<sup>&</sup>lt;sup>6</sup> Attachment 38, Pg. 9, Line 6 - 11.

<sup>&</sup>lt;sup>7</sup> Attachment 38, Pg. 9, Line 13.

an hour.8 gave a digitally recorded interview to IPRA on June 29, 2012. In her statement, and she was there on June 25, 2012. stated that stated she lives at around 11 or 12 in the daytime, she was sleeping with her god sister, heard someone knocking on the door. stated she then heard heavy breathing as if someone else had come into the apartment. then stated her cousin, left to walk their dog, and he left the front door open. stated her uncle, (" "), had walked into the apartment, and turned from walking the dog. stated that did not live in the apartment, but he was inside the apartment during the incident. stated right after returned, police were knocking on the door. stated the police were identifying themselves as police when they were knocking at the door and she heard the word police. stated no one answered the door when stated that the door was locked when officers arrived and were knocking. police were knocking. then stated she went to the back of the apartment to the dining room with kicked the door open and officers entered with their firearms drawn. entered the apartment, and one of the four officers was in uniform and the other three were detectives.<sup>9</sup> stated that the four officers entered the back room together. pointed their firearms at her and her cousin. stated that was then arrested at the apartment. stated the officers told her they found a handgun and that they were looking for a second handgun. stated one of the detectives, Officer had a little black handgun with a brown handle sticking out of his vest. stated Officer had the black handgun before searching the apartment. then stated that after entering the apartment, officers handcuffed stated the officers searched her room, her brother's room, the dining room and the room where were. stated that at this point, one of the detectives, Officer spazzin' out" and he kept telling her to shut up and he was going to cut off her and her family's services and that her and her mother would go stay on the street. stated that her mother, and her aunt, (" and her mother talked to the officers. stated that after her mother talked with the officers, the uniformed officer took downstairs and the other three officers stayed in the apartment and continued to talk to her mother. stated that officers did not find another gun in the apartment. stated she was never searched or physically hurt during the incident. mother then asked for a supervisor and that she wanted to make a complaint. the apartment her little brother, "), and her cousin, were arrested for reckless "), were also arrested. stated that conduct and was arrested for having the gun, but she further stated that gun, the officers did. stated the front door of the apartment was damaged and the screen back door was damaged as well.<sup>10</sup> gave a digitally recorded interview to IPRA on August 24, 2012. stated that on June 25, 2012, at approximately 12:00 pm, he was walking a dog outside Apt. when he saw police pull up and people running.

stated officers only damaged the front and back door, and that the entire incident lasted about

<sup>&</sup>lt;sup>8</sup> Attachment 38

<sup>&</sup>lt;sup>9</sup> Although dentified the officers as detectives, no detectives were present.

<sup>&</sup>lt;sup>10</sup> Attachment 44

approximately ten minutes before taking the dog back upstairs and he then locked the door.
stated he then went to play video games in the back-dining room and heard someone knocking on the
door. stated he did not answer the door and the knocking got louder and the dog began to bark.
stated the knocking occurred for approximately five minutes.
someone kick the door and the door came off the door frame and fell to the floor.
officers then came in and screamed at him and his cousins.
"put your hands up!" stated there were two officers who came in the back of the apartment
and they were both in plain clothes wearing black vests.
dining room where he was, and she began to cry. stated officers entered with their guns drawn
and pointed their guns at them for a few seconds before lowering them.
why no one opened the door, then he was placed into handcuffs and walked by an officer into the
hallway. out of the bathroom of the apartment
and they brought him into the hallway as well. stated that he did not know his uncle was in
the apartment. stated that while they were in the hallway, officers asked his uncle where a gun
was. stated that a black officer pulled a gun out of his vest and asked whose gun it was, and
responded that it was not his. then stated officers asked why he was bleeding to
which answered, "Cause I went through the window." stated that was bleeding
from both of his arms. stated that his aunt arrived at the apartment. stated his
handcuffs were eventually taken off and they took to jail. <sup>12</sup>
gave a digitally recorded interview to IPRA on October 8, 2014.
he is the uncle of daughter, and is like a sister-in-law to him. Stated that he
resided at on the on the stated that around the time of
the alleged incident, he was standing outside of and talking to a few guys.
stated that police approached, and he and the few guys scattered. Stated he went through a gate,
through the building at up a few flights of stairs, and out of the back of the building.
stated he entered by climbing through a glass door that was missing a half.
stated he entered by climbing through a glass door that was missing a half.  stated he left through a partment window. stated that as he
came out of the window he heard officers telling him to freeze, but he kept running away.
stated he ran through with another individual,
(" ), but went in another direction at some point. stated he then went over a gate and
through an enclosed back porch with officers in pursuit about 20 feet behind him.
closed the door and went upstairs to the where he went through an abandoned apartment.
stated he came out of the front door of the apartment and immediately went to the next apartment
on the floor, which was apartment. said he never stopped running and he was
determined to get away from the officers. stated no officers chased him through the apartment
complex, nor did any officers see him run into apartment. stated a man saw him running
through the back porch as he ran into it, and stated he believed that man told the officers where
he went.
#
stated he closed the door behind him after he entered apartment.
that he knew officers were chasing him. stated he did not suffer any injuries, nor did he bleed
from his hands. stated that stated that were already in the apartment.
stated he saw and when he entered the apartment, but he did not see until

<sup>&</sup>lt;sup>11</sup> Attachment 63, Pg. 18, Line 22 – 23,

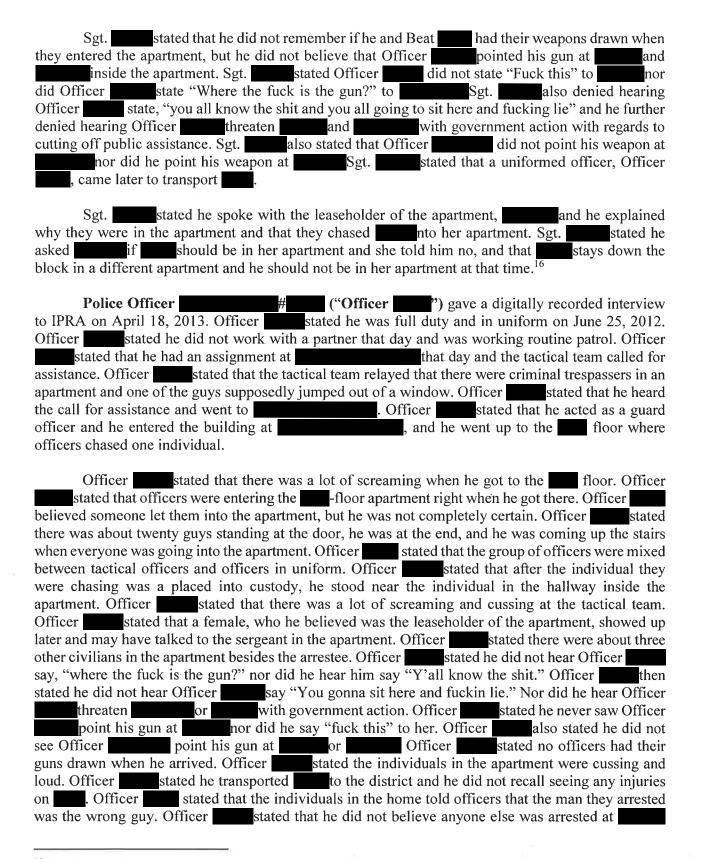
<sup>&</sup>lt;sup>12</sup> Attachment 63

later. stated that he heard knocking at the door, but no one went to the door to answer it and approximately ten minutes later, the door of the apartment came crashing down and police kicked the door open. stated he was in the bathroom of the apartment and when he came out he saw in handcuffs. stated that there were four officers in the apartment, three in plain clothes and one in uniform. stated a sergeant in plain clothes came into the apartment as well. stated that officers were shaking and pointed to the top of his head and said, "This is the one." stated that he did not believe the officers had their firearms drawn. then stated that he asked officers what they were arresting for, when at that moment came through the door and said is only 14 or 15 years old. Then stated that officers took the handcuffs off and then they put the handcuffs on him. stated that Officer pulled a little black gun from his pocket and showed the gun to stated that he had never seen the gun before.
stated he never saw any officers point their guns at anyone, as he was in the bathroom when the officers entered apartment. It is stated he did not hear any officers state, "You know what the 'f' goin' on" or something to that effect. It is stated he did not hear any officers state "You all gonna sit here and fuckin' lie." It is also stated he never heard any officers threaten anyone with other government action. It is stated other individuals from the initial crowd were arrested. It is stated that occurred outside. It is stated that occurred that occurred the occurred that occurred that occurred that occurred the occurred that occurred that occurred the occurred that o
Sergeant of Police # ("Sgt. ") gave a digitally recorded interview to IPRA on March 20, 2013. In his statement to IPRA, Sgt. stated he was on duty as tactical sergeant for Beat on June 25, 2012. Sgt. stated he was in plain clothes on June 25, 2012. Sgt. stated that he assisted Beat who were engaged in a foot pursuit involving a man with a gun, but he got there at the end of the pursuit, when was apprehended in the floor apartment. Sgt. stated that the met with Beat who was already in the building at they chased up to the floor and they observed enter the floor apartment. Sgt. stated that stated the met with them prior to them entering the apartment.
Sgt. stated that the officers were knocking on the door and telling to open the door, but he did not do so. Sgt. stated that officers then made entry into the exterior door of the floor apartment by kicking the door, and he believed Officer kicked open the door. Sgt. stated that he knew Officer was at the door and he believed Officer was as well. Sgt. hen stated that he could see blood on the outside of the door, near the door handle and door frame. Sgt. stated that when they got inside the apartment, they found with blood coming off one of his hands and he was looking around. Sgt. stated that other individuals were in the apartment when as taken into custody and was placed into custody without incident. Sgt. stated that there were two females in the apartment, either in their late teens or early 20s. Sgt. stated that he believed a firearm was recovered from when he went through a glass window, and Officer recovered the firearm when he was pursuing Sgt. stated that they entered the apartment because officers recovered a firearm that was dropped by during the pursuit, and they entered the apartment to apprehend him.

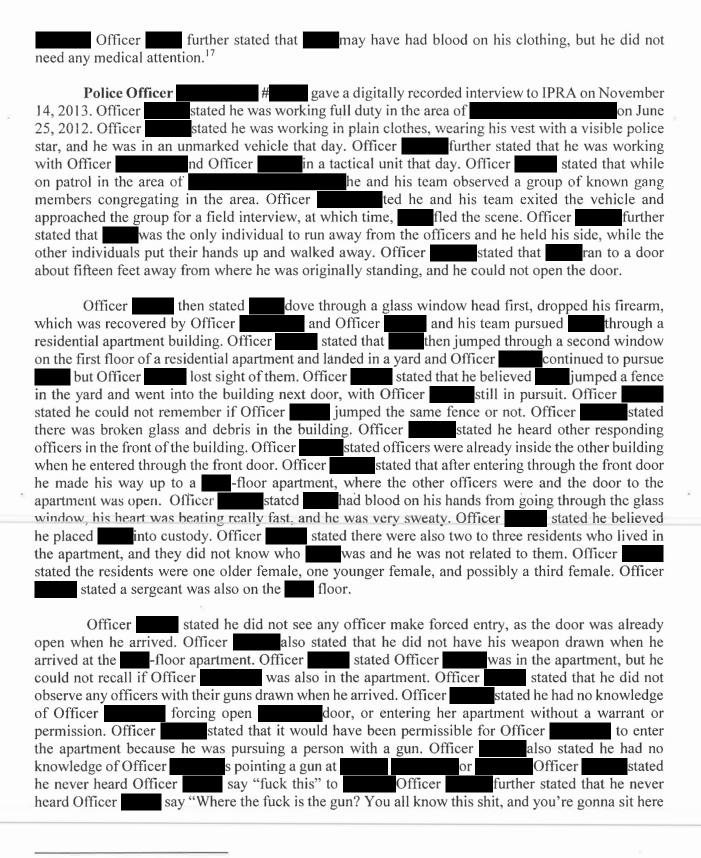
<sup>&</sup>lt;sup>13</sup> Attachment 114, Pg. 5, Line 7.

<sup>&</sup>lt;sup>14</sup> Attachment 114.

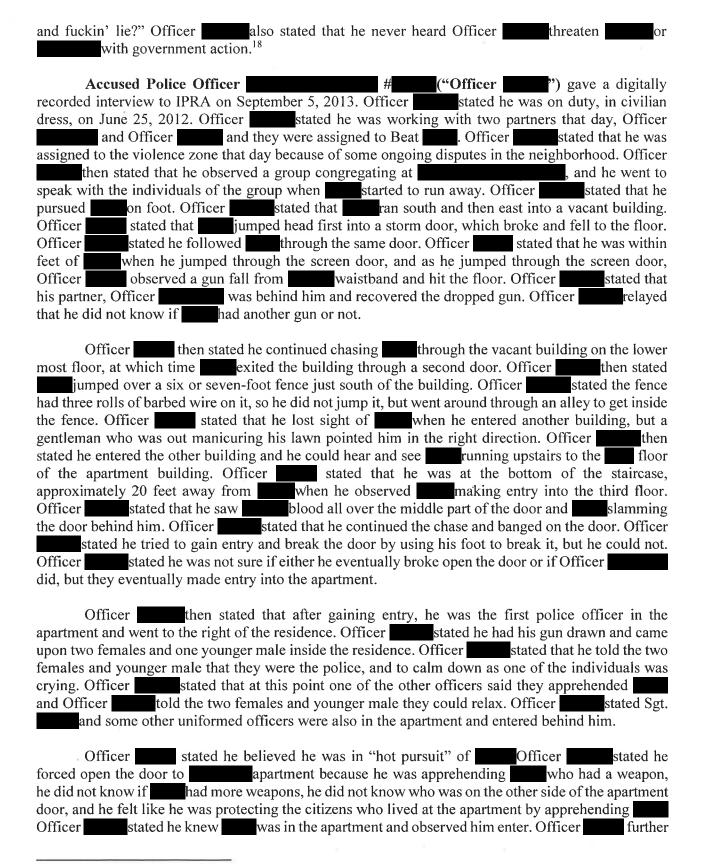
<sup>&</sup>lt;sup>15</sup> Officer Officer and Officer were on Beat that day.



<sup>&</sup>lt;sup>16</sup> Attachment 83



<sup>&</sup>lt;sup>17</sup> Attachment 90

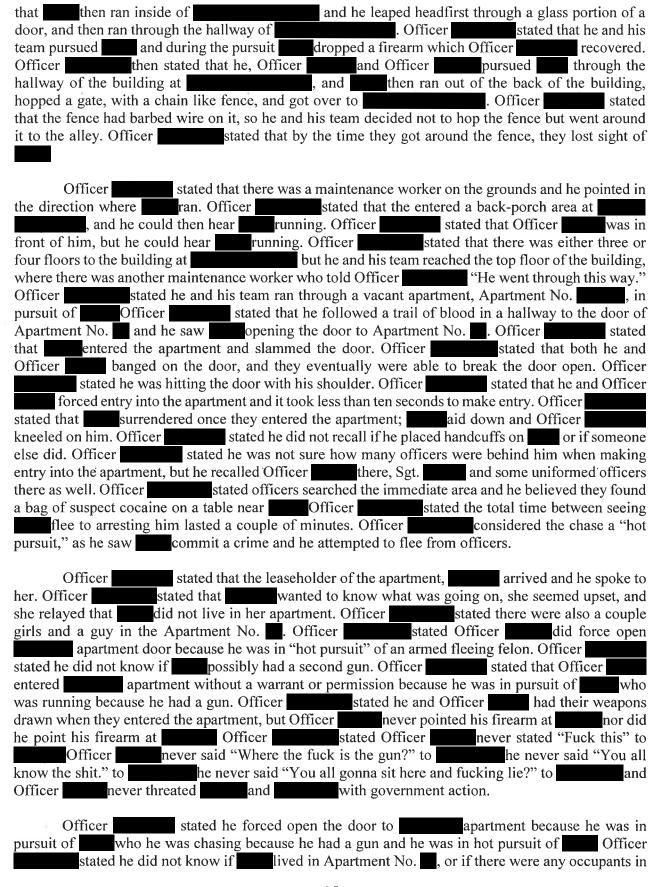


<sup>&</sup>lt;sup>18</sup> Attachment 108

stated that he did not have a warrant or permission to enter apartment, but he entered because he was in "hot pursuit" of and he entered the apartment for the safety of everybody involved. Officer stated he did not know if resided in apartment. Officer stated he entered the apartment with his gun drawn, but it was unholstered in a safe manner and not pointed at or Officer stated he did not say "Fuck this." to Officer also denied saying "where the fuck is the gun?" to Officer also denied saying, "you all know this shit" to and he further denied saying, "You all are going to sit here and fucking lie?" to also stated he did not threaten or with government action. Officer stated Officer may have helped him kick in door, and Officer entered apartment without a warrant or permission. Officer stated Officer stated Officer apartment because he was also in hot pursuit of Officer stated Officer stated or did not point his gun at or did he point his gun at or did he point his gun at stated over the radio. Officer stated a supervisor spoke to and he heard that a supervisor was requested over the radio.
Accused Police Officer  # gave a second digitally recorded interview to IPRA on November 19, 2015. In his second statement, Officer stated he stood by his first statement he gave to IPRA on September 5, 2013. Officer stated he saw enter Apartment No.  Apartment No.  And that he did not falsely document the circumstances surrounding the arrest of Officer also stated that he did see blood all over Apartment No.  Stated he would not define his actions in the apartment as a search, he believed he looked and cleared through the rooms for officer safety. Officer stated that he did not flip any mattress over, but he was not sure what other officers were doing behind him. Officer stated he conducted a sweep of the apartment but not a search and he never searched any part of the building where was arrested. Officer was in a basement of the apartment complex, prior to the maintenance worker pointing out the direction frant. Officer stated he was clearing rooms through the apartment complex while pursuing officer stated he was exiting the apartment complex on either the first or second floor when he looked up and saw Officer stated that he knew other officers were in the apartment complex. Officer also stated that he did not hear a radio transmission of officer as aking if anyone had checked the apartment door with blood on it prior to Officer officer and Sgt. know that he saw Mr. enter Apartment No.  By the did not announce it over the radio. Officer when he looked up and saw officer stated that he let Officer and Sgt. know that he saw Mr. enter Apartment No.  By the did not announce it over the radio. Officer when he looked up and saw officer stated that he let Officer and Sgt. know that he saw Mr. enter Apartment No.  By the did not announce it over the radio. Officer when he looked up and saw officer stated that he let Officer and Sgt. know that he saw Mr. enter Apartment No.  By the did not announce it over the radio. Officer when he looked up and saw officer stated that he let Officer and Sgt. know that he saw Mr.
Accused Police Officer # ("Officer ") gave a digitally recorded interview to IPRA on September 6, 2013. Officer stated that he was on duty, in civilian dress, on June 25, 2012. Officer stated he was working with Officer and Officer on that day and they were assigned as a tactical unit, Beat officer stated he and his team were on a violence reduction mission due to an on-going gang conflict near observed a group of young men congregating and they knew the young men to be members of a gang. Officer stated he and his team stopped and tried to talk to the group of young men, but as soon as they stopped, the group dispersed and one individual, ran away. Officer stated

<sup>&</sup>lt;sup>19</sup> Attachment 101

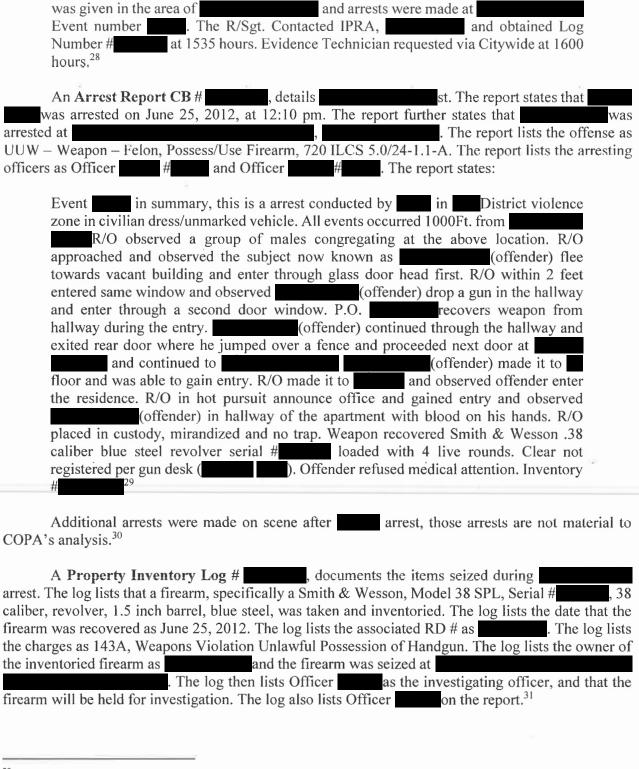
<sup>&</sup>lt;sup>20</sup> Attachment 133



the apartment who could have been in danger. Officer stated he entered apartment without a warrant or permission because he was in "hot pursuit" of who had a firearm, and he did not know if there were any occupants who could have been in danger in the apartment. Officer stated he had his gun unholstered when he entered the apartment because he was chasing a person with a gun, but he did not point his gun at
Accused Police Officer # gave a second digitally recorded interview to IPRA on November 24, 2015. In his second statement to IPRA, Officer stated that he stood by his first statement he gave to IPRA on September 6, 2013 regarding the alleged incident that occurred on June 25, 2012. Officer stated that he saw open the door to the apartment, Apartment No. , and he saw enter the apartment. Officer stated slammed the door of Apartment on Officer and himself after he entered the apartment. Officer also stated that slammed the door to close it and stop them entering the apartment.
Officer stated he believed Officer originally called out the initial foot pursuit of ver the radio. Officer also stated that Officer called that was in custody over the radio as well. Officer stated he did not go over the radio to inform others of his status because he was concerned with the pursuit of and entering the apartment. Officer stated he and Officer waited for a supervisor before making entry into the apartment. Officer reiterated that dropped a gun that he recovered during the pursuit and could have possibly still been armed. Officer stated that he turned down his radio for tactical reasons and not to possibly alert of his presence, and as such he did hear officers ask over the radio if anyone had searched the apartment which had blood on the entry door. Officer stated Officer was the first officer to reach the entry door to the Apartment at the county jail to talk to him about a gang conflict involving the stated that he did not discuss anything regarding the complaint filed
IPRA also interviewed Police Officer # ("Officer ") <sup>23</sup> , Police Officer # ("Officer ")) <sup>24</sup> and Police Officer # ("Officer "). <sup>25</sup> Their statements were not material to COPA's analysis.
B. Digital Evidence
<b>Evidence Technician photographs</b> were taken on June 25, 2012, at 4:40 pm by Officer # Fifteen photographs were taken. The photographs depict the doors and bedroom at # The photographs show damage to a door as well as some of the interior of the apartment. The photographs show damage to a door as well as some of the interior of the apartment.
<sup>21</sup> Attachment 106
<sup>22</sup> Attachment 138
23 Attachment 84
24 Attachment 86
25 Attachment 92
<sup>26</sup> Attachment 58

An OEMC Tape Transmission Transcription captures the 911 radio traffic regarding the incident. The transmission captures an officer stating "you got two running with guns." The transmission then captures an officer stating, "Squad description is gonna be a male black, white t-shirt, dark pants, about five eight, 165." The transmission continues and an officer state that there is one offender in the alley behind and The transmission captures an officer stating, "Okay uh, there's one that backtracked, he's hiding in the yard. He hasn't seen me yet." The transmission captures an officer stating over the radio, "squad cause he ran right through the grass, ul glass, so he might be bloody." The transmission continues to capture an officer stating, "Yeah possibly injured, they went through a glass door. Two of 'em." The transmission then captures an officer stating "Uh we're going in the rear. That's officers comin' in the buildin'." The transmission continues and captures an officer stating that they are going to the third floor. At 07:48.6, an officer requests a partner with mobile for Officer At 8:05, Officer says he is searching the basement.
The transmission captures officers discussing what areas have been searched, and at 10:26.2 an officer states, "If the doorknob was the apartment adjacent to the one we were at, Sarge, there's blood on the UH doorknob. We're trying to get in the apartment next to where we were." The transmission then captures an officer saying he will come back up. The transmission captures at 10:44.5, an officer asking if that apartment is the one with a barking dog in it. At 14:09.8 an officer states, "Watch the back door. We're in!" The transmission continues and at 15:31.3 an officer states "In custody squad, in custody." Then, at 16:04.9, the transmission captures Beat announcing they have one individual in custody. The transmission continues with dispatch requesting a supervisor for a who stated that officers were kicking at her door without a search warrant and kicked her door in at the states of the states o
C. Documentary Evidence
An Initiation of Complaint Report, initiated the complaint with IPRA. The report is from Sgt. # and sent to Commander . The report lists the allegation a Unlawful Use of Force and Criminal Damage to Vehicle. The report lists the complainants as and . The report lists the date and time as June 25, 2012, at 12:00 pm to 12:15 pm. The report lists the location of the alleged incident as . Apt . The report lists the accused as one uniformed police officer possibly Officer and four plainclothe police officers, names unknown. The report continues with a brief narrative which reads as follows:
On 25 June 2012 at approximately 1345 hours, the R/Sgt received assigned of a supervisor request at the complainant. Upon response and arrival, the R/Sgt met and the above stated complainants.  Stated that she was not home at the time of the incident and was informed of the details by the other complaints. The complaints related, in summary, that on the date and time stated, numerous police officers banged on their apartment door and then kicked the door in. Upon entry, they pulled their weapons and asked the complaints "where's the guns"? The complainants related that they did not know what the police were referring to and no guns were in the apartment. The officers subsequently left with no arrests. Farlier In the afternoon, a call of "men with guns"

<sup>&</sup>lt;sup>27</sup> Attachment 74

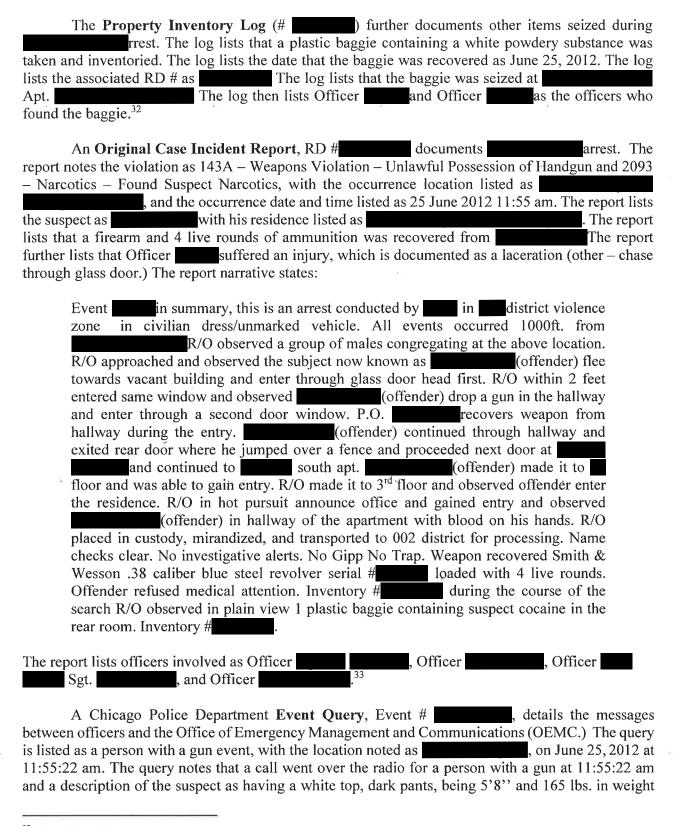


<sup>&</sup>lt;sup>28</sup> Attachment 47

<sup>&</sup>lt;sup>29</sup> Attachment 4

<sup>&</sup>lt;sup>30</sup> See generally Attachments 13, 15, and 17

<sup>31</sup> Attachment 7



<sup>&</sup>lt;sup>32</sup> Attachment 6

<sup>&</sup>lt;sup>33</sup> Attachment 8

being made at 11:56:38 am. The query notes that Beat reported having one suspect in custody at 12:11:06 pm. <sup>34</sup>
A Chicago Police Department <b>Event Query</b> , Event #, details the messages between officers and OEMC. The query is listed as a person with a gun event, with the location noted as on June 25, 2012 at 11:55:25 am. The query notes that a call went over the radio for a person with a gun at 11:55:25 am. The query notes that a call to watch the backdoor went over the radio at 12:09:15 pm and then a message of 3 <sup>rd</sup> floor rear went over the radio at 12:09:21 pm. A message of offender in custody went over the radio at 12:10:37 pm. <sup>35</sup>
A Chicago Police Department <b>Event Query</b> , Event # , details a wireless call from Mr. to OEMC. The query is listed as a person with a gun event, with the location noted as located at located at , on June 25, 2012 at 12:52:57 pm. The query notes that at 12:53:16 pm Mr. called from a wireless phone and reported that people were inside the park field house and a gun was mentioned. <sup>36</sup>
A Chicago Police Department <b>Event Query</b> , Event #, details a wireless call to OEMC. The query is listed as a person with a gun event, with the location noted as located at, on June 25, 2012 at 12:53:51 pm. The query notes that at 12:54:54 pm an individual called from a wireless phone and reported that gangbangers ran into the fieldhouse at and that a man was beaten with a chair. <sup>37</sup>
A Chicago Police Department Event Query, Event #, details a wireless call from a caller named to OEMC. The query is listed as a person with a gun event, with the location noted as on June 25, 2012 at 12:55:25 pm. The query notes that at 12:55:32 pm reported that gangbangers were fighting in the field house was she was told someone has a gun. The query also shows that reported that kids were also at the field house. <sup>38</sup>
A Chicago Police Department <b>Event Query</b> , Event #, details a wireless call from to OEMC. The query is listed as requiring a supervisor, with the location noted as on June 25, 2012 at 1:41:32 pm. The query notes that at 3:53:22 pm requested a police sergeant regarding officers kicking in her door without a search warrant. <sup>39</sup>
A Chicago Police Department Crime Scene Processing Report, report number details the photographs taken by Evidence Technician # for log number and the service was completed June 25, 2012, at 5:11 pm. The report lists that that a photograph of the exterior of the front door was taken, three photographs of the front door edge were taken, two photographs of the door jamb were taken, four photographs were of the front bedroom, three photographs of the rear
<sup>34</sup> Attachment 19
35 Attachment 20
<sup>36</sup> Attachment 23
<sup>37</sup> Attachment 26
<sup>38</sup> Attachment 28
<sup>39</sup> Attachment 29

bedroom were taken, and two photographs were taken of the rear storm door. The report lists the victim as A Preliminary Hearing Transcription for People of the State of Illinois v. , documented Officer sworn testimony relating to transcripts show that Officer stated that he was on duty on June 25, 2012, at approximately noon, and he observed several males congregating at the location of The transcripts then stated he pursued through the residence of show that Officer and while he was pursuing him, ropped a gun which was recovered by Officer The transcripts also show that Officer stated that was apprehended.41 An IPRA Memo from IPRA Supervising Investigator to IPRA Investigator dated June 22, 2014, documents that Supervisor sought to bring the Rule 14 related allegations in part due to past allegations of misconduct against Officers and that were found to be not sustained, unfounded, or were closed for lack of a supporting affidavit. The Memo states, "[a]lthough all of the allegations are either not sustained, unfounded, or no affidavit, it does show a consistent pattern of behavior which causes various people from the community to make similar and unrelated allegations." The Memo further states that had a prior not sustained Rule 14 violation allegation and taken in light of the officers' statements made to IPRA regarding Log # 1055049, Rule 14 violation allegations should be brought against both Officers Officer and Officer disciplinary history up to June 22, 2014 is attached to the Memo.<sup>42</sup>

#### VI. ANALYSIS

# A. Legal Standard

For each Allegation COPA must make one of the following findings:

- 1. <u>Sustained</u> where it is determined the allegation is supported by a preponderance of the evidence;
- 2. <u>Not Sustained</u> where it is determined there is insufficient evidence to prove the allegations by a preponderance of the evidence;
- 3. <u>Unfounded</u> where it is determined by clear and convincing evidence that an allegation is false or not factual; or
- 4. <u>Exonerated</u> where it is determined by clear and convincing evidence that the conduct described in the allegation occurred, but it is lawful and proper.

A preponderance of evidence can be described as evidence indicating that it is more likely than not that the conduct reviewed violated Department policy. See Avery v. State Farm Mutual

<sup>&</sup>lt;sup>40</sup> Attachment 34

<sup>&</sup>lt;sup>41</sup> Attachment 120

<sup>&</sup>lt;sup>42</sup> Attachment 144

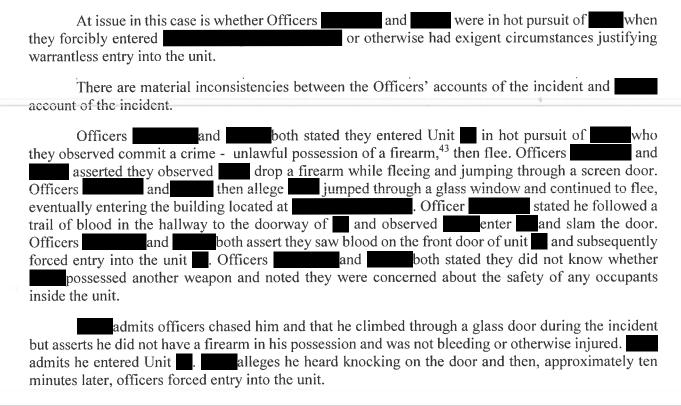
Automobile Insurance Co., 216 III. 2d 100, 191 (2005), (a proposition is proved by a preponderance of the evidence when it has found to be more probably true than not). If the evidence gathered in an investigation establishes that it is more likely that the conduct complied with Department policy than that it did not, even if by a narrow margin, then the preponderance of the evidence standard is met.

Clear and convincing evidence is a higher standard than a preponderance of the evidence but lower than the "beyond-a-reasonable doubt" standard required to convict a person of a criminal offense. See *e.g.*, *People v. Coan*, 2016 II. App (2d) 151036 (2016). Clear and Convincing can be defined as a "degree of proof, which, considering all the evidence in the case, produces the firm and abiding belief that it is highly probable that the proposition . . . is true." *Id.* at  $\P$  28.

# B. Legal Analysis

# Warrantless Entry

Generally, police officers must have a warrant to enter a private residence. *Payton v. New York*, 445 U.S. 573 (1980). However, "a suspect may not defeat an arrest which has been set in motion in a public place . . . by the expedient of escaping to a private place" (*i.e.*, hot pursuit). *People v. Wear*, 229 Ill. 2d 545, 567 (2008) (quoting *United States v. Santana*, 427 U.S. 38, 43 (1976)). Exigent circumstances may also justify a warrantless entry into a home. *People v. Foskey*, 136 Ill. 2d 66, 75 (1990).



<sup>&</sup>lt;sup>43</sup> On the date of the incident, generally possession of the firearm would constitute probable cause for arrest for unlawful possession of a firearm. Subsequently, gun laws were modified in the State of Illinois.

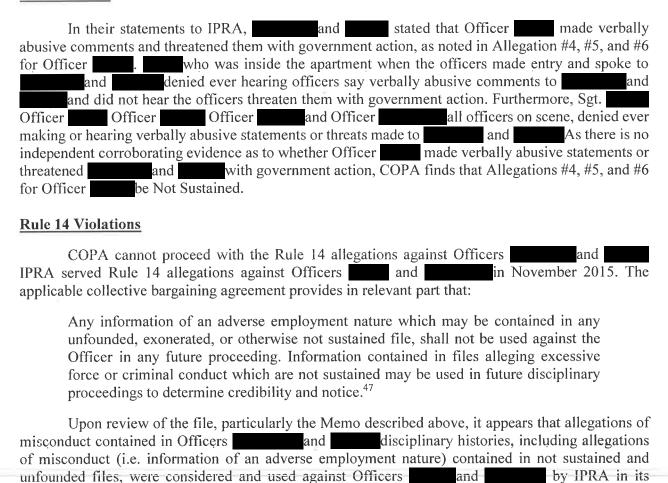
stated he re-entered after walking his dog, and heard knocking shortly thereafter, followed by the officers forcing entry approximately five minutes later.<sup>44</sup> stated that bleeding from both of his arms. Other witnesses did not provide specific accounts on the time period entry and the officers' entry into the unit. The OEMC radio transmissions provide some objective evidence of the timeline. The first transmission references two people running with guns. Approximately three minutes later, an officer references two people jumping through a glass door. At 8:05: into the OEMC radio transmissions, says he is searching the basement. At 10:26 into the OEMC radio transmissions, an officer references observing blood on a doorknob of an apartment door and indicates the officers are trying to get into the unit. An officer announces is in custody at 15:31 into the OEMC radio transmission, approximately 5 minutes later. COPA finds that the evidence is inconsistent and insufficient to determine whether Officers were in hot pursuit or otherwise had exigent circumstances justifying a warrantless entry into Unit . Whether blood was present on the door of unit and the time period between entry into unit and Officer and and entry, are material to determining and were in hot pursuit of That information is also material whether Officers to determining whether Officers and otherwise had exigent circumstances justifying warrantless entry into the unit. In light of the conflicting accounts,<sup>45</sup> the evidence is insufficient to determine whether blood was present and the time period between entry into the unit and and entry into the unit with a reasonable degree certainty. Therefore, COPA finds that Allegations #1 and #2 against Officers and are Not Sustained. **Gun Pointing** In her statement to IPRA, stated officers entered the apartment with their firearms "out on us." Furthermore, stated to IPRA that officers entered the apartment with their guns drawn and pointed at them for a few seconds before the officers lowered their guns. IPRA that officers had their firearms drawn when they entered the apartment. Sgt. who entered stated he did not remember if he and Officer with Officer and Officer ad their weapons drawn when they entered the apartment, but he did not believe Officer Officer or Officer pointed his gun at either or Officer stated to IPRA that he entered the apartment with his gun drawn but he did not point it Officer also stated that Officer did not point his gun at In his statement to IPRA, Officer stated he entered the apartment with his gun drawn because he was chasing a person with a gun, but neither he nor Officer pointed their guns or Officer stated to IPRA that he did not see any officers with their guns drawn when he arrived at the apartment, but he did not know if they pointed their guns before he arrived. As there is no independent corroborating evidence as to whether Officer pointed their guns at and COPA finds that Allegation #3 for Officer and Allegation #3 for Officer are Not Sustained. <sup>44</sup> Although not explicitly stated, COPA finds that a reasonable inference can be made that was already inside

of Unit when returned from walking his dog.

<sup>&</sup>lt;sup>45</sup> COPA finds that no involved party or witness is sufficiently credible to such a degree that COPA may rely on the unsupported statement(s) of any such involved party or witness to the exclusion of any other(s) without adequate corroborating evidence. COPA further finds that the available evidence is insufficient to adequately corroborate any involved party or witness account of the incident to the exclusion of other such accounts.

## Verbal Abuse

against Officer



determination to serve the instant Rule 14 allegations. This effectively precludes COPA from evaluating the merits of the Rule 14 allegations. Therefore, COPA finds that Allegations #4 and #5

and Allegations #7, #8, #9, #10 against Officer are Not Sustained.

<sup>&</sup>lt;sup>47</sup> See Agreement Between the Fraternal Order of Police Chicago Lodge No. 7 and the City of Chicago Section 8.4 (effective July 1, 2012). The previous version of the collective bargaining agreement also included the same language.

<sup>&</sup>lt;sup>18</sup> See Att. 144 (IPRA memorandum). The Rule 14 allegations were formally served over a year after the date listed on the memorandum. However, COPA has not located any evidence that this memorandum was ever withdrawn or otherwise corrected prior to the dates on which Officers and were formally served with the Rule 14 allegations. Therefore, at a minimum, there is insufficient evidence to demonstrate that Officer and disciplinary histories were not used against them.

# VII. CONCLUSION

Based on the analysis set forth above, COPA makes the following findings:

Allegation	Finding
1. It is alleged that on June 25, 2012, at approximately 12:00 AM at Apt. No. Apt. No. Apartment.	Not Sustained
2. It is alleged that on June 25, 2012, at approximately 12:00 AM at Apt. No. Apt. No. Officer apartment without a warrant and/or permission.	Not Sustained
3. It is alleged that on June 25, 2012, at approximately 12:00 AM at Apt. No. Apt. No. Officer pointed a gun at and	Not Sustained
4. It is alleged that on June 25, 2012, at approximately 12:00 AM at Apt. No. Apt. No. Officer stated "Fuck this" to	Not Sustained
5. It is alleged that on June 25, 2012, at approximately 12:00 AM at Apt. No. Apt. No. Stated "Where the fuck is the gun? You all know the shit and Y'all gonna sit here and fucking lie" to	Not Sustained
6. It is alleged that on June 25, 2012, at approximately 12:00 AM at No. Officer I threatened I and With other government action when he told them they were on Section 8 and he was going to get their asses put out on the street and get them cut off Public Aid.	Not Sustained
7. It is alleged that on 25 June 2012 at approximately 12:00 AM at Apt. No. Apt. No. Officer wrote/generated a false Arrest report and Original Case Incident Report under RD # when he falsely documented the circumstances surrounding the arrest of in that he stated, R/O made it to the 3 <sup>rd</sup> floor and observed offender ( ) enter the residence (apartment # )	Not Sustained
8. It is alleged that on 05 September 2013 at approximately 12:11 PM at 1615 W. Chicago Ave., Chicago, IL, Officer made false	Not Sustained

Authority (IPRA) in relation to the circumstances surrounding arrest on 25 June 2012 in that he stated he saw enter the floor apartment, #				
9. It is alleged that on 05 September 2013 at approximately 12:11 PM a 1615 W. Chicago Ave., Chicago, IL, Officer made fals statements during his interview with the IPRA in relation to the circumstances surrounding arrest on 25 June 2012 in the he stated words to the effect that he saw blood all over the door and was smeared all over the place and it's all over the middle side of the door, hand marks and everything.	e e e e e e e e e e e e e e e e e e e			
10. It is alleged that on 05 September 2013 at approximately 12:11 PM at 1615 W. Chicago Ave., Chicago, IL, Officer made false statements during his interview with the IPRA in relation to the circumstances surrounding marrest on 25 June 2012 in that he stated he and other officers did not conduct a search of the building for				
Allegation	Finding			
1. It is alleged that on June 25, 2012, at approximately 12:00 AM at Apt. No. , Officer forced open the front door to apartment.	Not Sustained			
2. It is alleged that on June 25, 2012, at approximately 12:00 AM at A				
3. It is alleged that on June 25, 2012, at approximately 12:00 AM at, Officer, Apt. No, Officer and, and, Not Sustained				
4. It is alleged that on 06 September 2013 at approximately 2:11 PM at 1615 W. Chicago Ave., Chicago, IL, Officer made false statements during his interview with IPRA in relation to the circumstances surrounding arrest on 25 June 2012 in that he stated he saw open the door to the apartment, # and enter the floor apartment, #	Not Sustained			

circumstance that he stated	s surrounding	ammed the #	PRA in relation to the arrest on 25 June 2012 in apartment door on you apartment.	
Approved:	1	ξ	-	\$0
Deputy Chief Adm	inistrator	Ī	5-7-19 Date	55

# Appendix A

Assigned Investigative Staff

Squad #:	•
Investigator:	
Supervising Investigator:	
Deputy Chief Administrator:	